

legislation over to him on Monday, and I hope he does whatever he is going to do. I would love to have him sign the legislation into law, but if he decides to veto it, I hope he does it quickly so we can just as quickly vote to override that veto. There is no reason why we need to make these families wait any longer.

It is worth noting that the Middle East isn't the only region of the country that is more unstable since President Obama took office. Just over the weekend, it was reported that North Korea completed yet another nuclear test—its fifth. According to reports, the warhead that was detonated was about twice as large as what they tested in the beginning of the year in January.

President Obama called the test a threat and that is about all, giving lip-service to two of our strongest allies, Japan and South Korea, but with no visible or tangible commitment to do anything about it. He said our commitment to them was unshakeable, and so it is, but you couldn't tell that by the reaction to this fifth nuclear test by North Korea. But just like our partners in the Middle East, not to mention Europe, these two East Asian allies don't have reason to put much faith in the Obama doctrine, whatever it is, because unfortunately our timidity in supporting our friends and allies emboldens our adversaries, while causing our friends and allies to wonder whether we will keep our commitments to them.

North Korea has accelerated its missile testing. It has already conducted close to two dozen tests this year. Eventually, of course, the concern is that they will be able to mount nuclear warheads onto missiles that could not only hit our allies in the region but also the mainland United States at some point.

Even as enemies of America attempt to grow their arsenal of weapons of mass destruction, this administration is reportedly considering handing a gift to North Korea and other rogue regimes by adopting a no first use policy on nuclear weapons. Why in the world would you tell your adversaries beforehand what your intentions would be? This weakens, of course, the effectiveness of our own nuclear deterrent in furtherance of a fantasy goal of a world without nuclear weapons. I wish that it could be true, but it is a fantasy. The loss of deterrence caused by an announcement like that indeed creates an even more frightening and dangerous world.

Throughout his time in the White House, President Obama has done next to nothing to counter the threat posed by North Korea, and that is dangerous.

President Obama has just a few more months left in the Oval Office. At this point, it would be unrealistic to hope he uses the time to promote a solid foreign policy and national security agenda that reflects the best interest of the American people. Instead, we can only

hope he does no further harm to our national security interests.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Iowa.

Mrs. ERNST. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FOREIGN POLICY

Mrs. ERNST. Mr. President, this past weekend we bowed our heads in remembrance of the nearly 3,000 lives we lost on September 11, 2001. The largest attack on U.S. soil since Pearl Harbor changed our lives drastically, but it did not impact America as our enemy had hoped. We did not falter. We bonded together. We fought back. From places such as Sub-Saharan Africa, Afghanistan, and the Philippines, U.S. troops operating under Operation Enduring Freedom showed those responsible for 9/11 the true power of the United States of America. The plan to fight against Al Qaeda and its hosts was as clear as its name: "Global War on Terrorism."

Through strong American leadership, support from our allies, and working alongside local forces, the United States embedded itself in places where extremism had spread to deny terrorism a safe haven. From combat operations in Afghanistan to advising missions in the Caribbean, there has long been a global and comprehensive plan for our response to 9/11. Since then, the global fight on terrorism has continued to become narrower under our current administration, despite the continued threat of Al Qaeda and the clear expansion of ISIS. Without clear leadership, we are failing to stop the spread of terrorism.

Ignoring over a decade of lessons forged on the battlefield, this administration has not only failed to put together a comprehensive plan to fight Islamic extremism in the Middle East, but they have also dismantled the global effort and allowed groups to come back stronger in other regions of the world. This is especially true in Southeast Asia, a nearly forgotten safe haven for terrorists determined to cause harm. Southeast Asia was used for the initial planning of the horrific attack carried out by Al Qaeda that we all bowed heads for in remembrance this past weekend.

In 1994, Khalid Shaikh Mohammed used the Philippines as a safe haven to target the United States. Today, ISIS appears to be doing the very same thing. The warning signs in Southeast Asia are all too familiar to the ones we witnessed over a decade ago with Al Qaeda in that region. They used its Southeast Asia cells to organize and finance its global network. This included planning and financing for 9/11 and the safe harbor of Al Qaeda operative Ramzi Yousef, who was convicted for organizing the 1993 World Trade Center bombing.

Because of this, following the September 11 attacks, U.S. Special Forces were deployed to the southern Philippines in support of Operation Enduring Freedom. With an annual cost of less than one new F-35, the Joint Special Operations Task Force in the Philippines partnered with local forces and trained, advised, and assisted our allies in the fight against Al Qaeda-linked groups.

Up until the mission was officially ended under this administration, operations and efforts to assist Philippine forces in dismantling terror networks were hailed as a success. The threat of terrorism from extremist groups in the Philippines, such as Abu Sayyaf, were largely reduced. But the success from U.S. support in the region has been short-lived. Just as we have been witnessing throughout the globe, previously weak or splintered terrorist networks in Southeast Asia are banding together beneath the flag of ISIS. Yet the administration's plans to defeat ISIS have not changed and a comprehensive global strategy still fails to be defined.

We can not allow Southeast Asia to once again become a safe haven to target America. While it is easy to dismiss the terrorist groups in the region as mere criminal gangs and disorganized rebels, the Philippines lost 44 of its special police in a single battle against groups now linked to ISIS in Southeast Asia last year. In April, 18 Philippine soldiers were killed in a fight quickly claimed by ISIS. Then, in June, ISIS released a call for other fighters to join them after beheading a Canadian hostage. The video proudly displaying the black flag of ISIS states: "If you can't get to Syria, join the mujahideen in the Philippines." It is truly alarming.

Our efforts to counter ISIS in Asia can assist our broader goals of countering a rising China and dealing with an unstable North Korea.

Just before President Obama traveled on his final trip to Asia this month, I sent a letter urging him to discuss efforts for a new U.S. counterterrorism strategy in the region. Specifically, I asked President Obama to consider leveraging the five new bases recently announced for U.S. personnel in the Philippines to counter the rise of ISIS and to utilize our freedom of navigation patrols in the South China Sea to provide support capabilities. Like many of our efforts under Operation Enduring Freedom, this should be a fight with the support of our allies.

The use of U.S. Special Forces helping train the Filipino forces has a successful track record in the region, but it needs to be real support and real training—a commitment with American leadership—or else it will never have the full support of our allies in Southeast Asia. They have witnessed our failure to appropriately support allies in the Middle East, like the Kurdish Peshmerga. We must correct this building perception of poor American leadership and weak support on the

battlefield. We cannot allow ISIS to use Southeast Asia as Al Qaeda did to plan their next attack on U.S. soil.

Shortly after I sent my letter to President Obama urging him to develop a strategy in Southeast Asia, ISIS claimed another attack, one that took the lives of 10 Filipino civilians. We cannot continue to downplay or ignore this part of the world when it comes to the threat of terrorism.

I stand here today to renew my call for this administration to develop a comprehensive strategy to destroy the enemies abroad who wish to do America harm and those who provide them with a safe haven. As the safe havens Al Qaeda used 15 years ago to target our homeland turned into a staging ground for ISIS, the need to support our allies and address this issue is far too clear.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

#### NOMINATION OF MERRICK GARLAND

Mr. UDALL. Mr. President, this week marks a sad milestone for the U.S. Senate, a milestone of inaction, obstruction, and failure. This week marks 6 months since President Obama nominated Judge Merrick Garland to the Supreme Court. President Obama did his job and his constitutional duty, and Judge Garland should have been confirmed by now. He is eminently qualified. He is a dedicated public servant and a respected judge. Instead, Judge Garland hasn't received a hearing. Today marks 182 days since his nomination, and not even a hearing. In the last 40 years, the average time from nomination to confirmation has been 67 days for a Supreme Court nominee no matter which party has controlled the White House and the Senate. We have always done our job. We have always given a President's nominees a hearing and a vote as the Constitution requires.

After my remarks, I will formally introduce a proposal to change the Senate rules to require that any judicial nominee who has been pending for more than 180 days receive a vote. I do not take this decision lightly, but I fear that a line has been crossed. This level of obstruction will only get worse in the years to come. We should not ever be in this situation again. I urge all of my colleagues to consider this proposal fairly and without partisan interests.

I had hoped that the Senate would act on Judge Garland's nomination. I met with him in May. It was a good meeting. We talked about some areas of the law of particular importance to New Mexicans, including campaign finance reform, tribal law, interstate water issues, and other topics. He is well-versed and well-informed, but he is not prejudging any issue. I really enjoyed the opportunity to get to know

him better. He is an exceptional jurist who has dedicated his life to public service. He is a nominee who deserves our respect and a hearing and a vote.

But for several months now, Republicans have argued that President Obama's nominee shouldn't get a vote, that this President shouldn't get the same 4-year term as every other President. They argue that it is better for the Supreme Court to have a vacancy for what is likely to be more than a year. This makes no sense. It is hurting the Court and the American people. It leaves a highly qualified nominee in limbo.

Judge Garland has more Federal judicial experience than any other Supreme Court nominee in history. With many judges, that would be a problem—too many controversial opinions or decisions overturned—but Judge Garland's record is exceptional. He has spent nearly 20 years on the DC Circuit, the court often referred to as the second most powerful in the country. He has participated in over 2,600 merit cases and 327 opinions. He has heard many controversial cases. Yet the Supreme Court has never reversed one of his written opinions. Judge Garland's record demonstrates an incredible ability to build consensus on a wide range of difficult subjects, and his opinions show that he decides cases based on the law and the facts. These are traits which will serve him well as a Supreme Court Justice and, more importantly, which will serve all plaintiffs and defendants who come before him.

Judge Garland's legal career before joining the bench is equally impressive. He was a Federal prosecutor and later served as a high-ranking Justice Department attorney. At Justice, he oversaw major investigations and prosecutions. He led the prosecution of the two Oklahoma City bombers and supervised the prosecution of the Unabomber. He was known for working closely with victims.

But he is more than just an exceptional judge and lawyer; he is a person of high moral character. For the last 18 years, he has tutored students at a local elementary school. He speaks to law students about public service careers. He also regularly speaks about the importance of pro bono services and access to the courts.

Judge Garland is a good American, and he is being treated unfairly. Many Republican Senators are so caught up in the politics that they have even refused to meet him. He is being denied a hearing in the Judiciary Committee, and the majority leader refuses to allow him to receive an up-or-down vote. This is unprecedented obstruction against one of the most qualified Supreme Court nominees in history.

My Republican colleagues will say it is not about Judge Garland. They say President Obama—who still had over 10 months in office at the time he made the nomination—had no right to fill the vacancy. They argue that it is the next President's job. But we are talk-

ing about a vacancy that will have been open for almost a year before the next President takes office. This defies common sense and defies historical precedent.

Sadly, obstruction in the Senate is the new normal. Judge Garland is just the most glaring example. A Supreme Court vacancy gets a lot of attention, but our lower courts have been understaffed for years. Right now there are 12 vacancies on the appellate courts, our district courts have 75 vacancies, and 33 of those are considered judicial emergencies because the court is so shortstaffed.

There are many nominees we could vote on today. Twenty-eight judicial nominees are on the Executive Calendar, voted out of committee with bipartisan support, but Republicans have slowed the confirmation process to a standstill.

Last year Senate Republicans confirmed the fewest judicial nominees in more than 50 years—11 for the entire year—matching the alltime record. Only 18 have been confirmed this Congress. Let's compare that to the last 2 years of the Bush administration. With a Democratic majority, the Senate confirmed 68 judges.

All this gets back to something I have discussed since joining the Senate: the need to end the dysfunction so the Senate can work for the American people again. I pushed for reform of the Senate rules in the last three Congresses. We did change the rules to allow majority votes for executive nominees and judicial nominees to lower courts. That was a historic and much needed change. Without it, the judicial system would be even more overburdened. But even that change does no good if the judges remain blocked.

The majority leader is using the power over the calendar as a stealth filibuster, and that is what is happening in this Congress. The line gets longer and longer of perfectly qualified nominees denied a vote, denied even to be heard. Now a seat on the Supreme Court is empty and the majority leader is actually arguing that it should stay empty for over a year in the hopes that maybe a President Trump will be able to fill all of these vacancies that came up during President Obama's term. This isn't governing; this is an unprecedented power play.

Is it any wonder that the American people are frustrated and fed up with political games, with obstruction in the Senate, with special deals for insiders and campaigns that are being sold to the highest bidder? They see this obstruction as just another example of how our democracy is being eroded.

I believe it is so bad that we need a change in the Senate rules to address our broken judicial confirmation process. My suggestion is very simple: If the Judiciary Committee hasn't held a vote on a nominee within 180 days from the nomination, then he or she is discharged and becomes the pending business of the Senate and gets a cloture